Class Magistrates appointed for each group. Such a step would avoid the present inconvenience of transferring cases from the file of Division First Class Magistrates to other First Class Magistrates.

(3) All appeals from every grade of Magistrates should be heard by the District Magistrates, as that would reduce the work of District and Sessions Judges who, in addition to their own work, had now to hear land acquisition reference cases, petitions in insolvency cases, succession certificate applications, and revision cases against the decisions of the Village Panchayat Courts.

(4) Provision might be made for appeals being filed in the Courts of the First Class Magistrates themselves instead of such appeals being filed in the Courts of the District Magistrates and then transferred to the First Class Magistrates.

Dewan's reply.—Noted.

43. Need for the establishment of a First Class Magistrate's Court at Attungal.

Mr. K. N. Krishnan Poti (Member, T. I. C., Attungal) described the inconvenience and hardship to which the inhabitants of the Chirayinkil taluk were put for want of a First Class Magistrate's Court and submitted that, even if the number of Police cases charged by the Chirayinkil Police in the Trivandrum First Class Magistrate's Court were taken into account, their prayer was entitled to favourable consideration. He gave a detailed statement of distances from each *pakuthi* in the Chirayinkil taluk to the Stationary Magistrate's Court at Warkalay and also to the Tahsildar-Magistrate's Court at Attungal and suggested any of the following courses being adopted :—

(1) That the Court at Attungal be made a First Class Magistrate's Court and the Warkalay court shifted to Attungal and constituted as the Town Stationary Magistrate's Court.

(2) That the Magisterial jurisdiction of the Warkalay Magistrate be confined to the five *pakuthies* in close proximity to it and the jurisdiction over the remaining 26 *pakuthies* of the taluk transferred to the Taluk Magistrate at Attungal.

Dewan's reply.—Noted.

44. Need for the establishment of a First Class Magistrate's Court and a Munsiff's Court at Changanacherry.

Mr. M. A. Navurkani Rowther (Member, Nominated) submitted his prayer and in doing so said that his representation for a Munsiff's Court was an old one. He then detailed the inconveniences borne by the litigant public of his taluk. He also explained the necessity for a First Class Magistrate's Court at Changanacherry and added that, on some occasions, their Tahsildar-Magistrates had been invested with the powers of a First Class Magistrate.

Dewan's reply.—With regard to the opening of a Munsiff's Court at Changanacherry, orders have been issued for shifting one of the Munsiff's Courts at Tiruvalla to Changanacherry. The High Court have been addressed in the matter of settling the territorial jurisdiction. The new court would probably be opened soon after the mid-summer vacation. The other representation is noted.

45. Difficulties experienced by litigants in Civil Courts and the means of removing them.

Mr. Narayanar Janardanar (Member, Jenmi, Trivandrum Division) said that the litigant public experienced many difficulties in the Civil Courts and through Vakils and their clerks; and he proceeded to enumerate a few of them.

(1) The Vakils' clerks often received moneys from clients in excess of actual requirements, credited in the Vakils' accounts only so much as was necessary for immediate payment into court and pocketed the balance. As a result, the clients suffered in a variety of ways. He suggested a ruling that, on each occasion the client paid money to a Vakil's clerk, a receipt attested by the Vakil should be passed for the amount paid and that a duplicate of the receipt should be preserved by the Vakil duly attested by him.

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(2) Moneys due to parties from courts were drawn by the Vakils under the authority of the *vakalaths* executed to them. Even though the Vakil had authority under the *vakalath* to draw the moneys from the courts, the money should be ordered to be paid only on production of a receipt countersigned by the party concerned.

(3) There was long delay in the disposal of applications for setting aside *ex parte* decrees under section 103 of the C. P. C. To avoid vexatious petitions under the section, the petitioner should be asked to offer security for the decree amount or to deposit the same in court. The Vakil for the plaintiff should be permitted to send direct to the defendant an abstract of the plaint through Anchal and to file the acknowledgment receipt in court. The same could be done by the courts also. The publication of summonses in the Gazette beyond entailing expense to parties was not of much use.

(4) Decrees were often most carelessly prepared, and they contained several mistakes. To get the mistakes rectified, the parties were put to much expense and inconvenience, and long delay ensued in several cases. Some courts also insisted on the production of copies of the judgments with the applications. That also entailed unnecessary loss and hardship to the parties. The correct preparation of decrees by responsible men should be insisted on and the production of copies of judgments should be dispensed with.

(5) In the execution branch, which was the most important section in the civil courts, several irregularities occurred. Warrants of arrests often contained wrong amounts, the figures being far in excess of the decree amount in some cases. The duty of fixing the date of auction sale was delegated to the clerk, who did it in a most irresponsible way. A close supervision of the execution branch by the presiding officers was essential, if the evils complained of were to be checked.

(6) In regard to the commissioners in civil courts, the grievances of the parties would not cease until the system of appointing a number of permanent commissioners on a fixed pay was introduced. The present circular of the High Court which required that the commissioners should be appointed with the consent of the Vakils on both sides was practically of no use. The presiding officers used to make local inspections in cases where there was a strong objection as to the valuation made by the commissioners. He understood that, in a recent circular or ruling, the High Court had laid down that the report of local inspection by the presiding officers could not be accepted without the officers swearing to it. The presiding officers were not, therefore, inclined to make any local inspection which was necessary in many cases. The matter should be looked into.

(7) The circular which required each process server to serve 75 per cent of the processes entrusted to him should be rigidly enforced and the defaulting process-servers severely punished.

(8) The arrears in many courts were very heavy, and under present conditions, additional courts were necessary in several places. A Committee should be appointed to enquire into and report on the question.

(9) A Munsiff's Court should be opened at Nedumangad.

Dewan's reply.—The representations of the Member will be referred to the High Court.

The Assembly adjourned at 5—20. P. M.

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